UNITED STATED DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

GEORGE GUINDON, BARBARA GUINDON, Individually BARBARA GUINDON, as Mother and Next Friend to ERICAGUINDON, minor; TAMMY AYER, as Guardian and Next Friend to KAYLA MARIE DOROTHY ABBENANTE AYER, minor LOUIS ROSSI, as Administrator of the Estate of JOSEPH ROSSI; CHRISTOHER SCOT; JULIANA GIAVEN, ERIC MALARDO; MICHELLE MALARDO; RICHARD SANETTI; PATRICIA SANETTI; MICHELLE SPENCE, Individually, MICHELLE SPENCE, as Mother and Next Friend of Hailey Spence, minor; CATHERINE CARIGNAN, EDWARD CORBETT, III; PAUL AND BETTY ROE, Individually, PAUL AND BETTY ROE, as Co-Administrators of the Estate of LORI K. DURANTE; DANIEL DAVIDSON; and STEPHEN BRUNO;
Plaintiffs

VS. C.A. NO.: 03-335-L

AMERICAN FOAM CORPORATION; FOAMEX INTERNATIONAL; BARRY H. WARNER; TRITON REALTY LIMITED PARTNERSHIP; JEFFREY DERDERIAN; MICHAEL DERDERIAN; DERCO, LLC; MANIC MUSIC MANAGEMENT, INC.; JACK RUSSELL, MARK KENDALL; DAVID FILICE; ERIC POWERS; DANIEL BICHELE; PAUL WOOLNOUGH; KNIGHT RECORDS INC.; ANHEUSER-BUSCH COMPANIES, INC.; MCLAUGHLIN & MORAN, INC., LUNA TECH, INC.; LUNA TECH PYROTECHNIC GMBH; CLEAR CHANNEL COMMUNICATIONS, INC., d/b/a WHJY-FM; MOTIVA ENTERPRISES, LLC; SHELL OIL COMPANY; TOWN OF WEST WARWICK, DENNIS LAROCQUE, STATE OF RHODE ISLAND and IRVING J. OWENS

DEFENDANT FOAMEX INTERNATIONAL, INC.'S MOTION TO EXCEED PAGE LIMITS FOR THE FILING OF A MOTION TO DISMISS

Defendant Foamex International, Inc. ("Foamex") hereby moves for an Order of this Court

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pursuant to Amended General Order No. 2002-01 to exceed the twenty (20) page limit for memoranda and the five (5) page limit for appendices and/or exhibits in connection with the filing of a motion to dismiss pursuant to Fed.R.Civ.P. 12(B)(6). For the reasons set forth in the Memorandum filed herewith, Foamex requests that it be allowed to file a memorandum of law in support of a motion to dismiss not to exceed forty (40) pages and appendices and/or exhibits not to exceed ten (10) pages.

Defendant
FOAMEX INTERNATIONAL, INC.
By Its Attorneys,

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GUINDON CERTIFICATION

I hereby certify that on the 15th day of April, 2004, a true copy of the within was mailed to:

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VS.	C.A. NO.: 03-335-L
AMERICAN FOAM CORPORATION; FOAMEX INTERNATIONAL; BARRY H. WARNER; TRITON REALTY LIMITED PARTNERSHIP; JEFFREY DERDERIAN; MICHAEL DERDERIAN; DERCO, LLC; MANIC MUSIC MANAGEMENT, INC.; JACK RUSSELL, MARK KENDALL; DAVID FILICE; ERIC POWERS; DANIEL BICHELE; PAUL WOOLNOUGH; KNIGHT RECORDS INC.; ANHEUSER-BUSCH COMPANIES, INC.; MCLAUGHLIN & MORAN, INC., LUNA TECH, INC.; LUNA TECH PYROTECHNIC GMBH; CLEAR CHANNEL COMMUNICATIONS, INC., d/b/a WHJY-FM; MOTIVA ENTERPRISES, LLC; SHELL OIL COMPANY; TOWN OF WEST WARWICK, DENNIS LAROCQUE, STATE OF RHODE ISLAND and IRVING J. OWENS	

MEMORANDUM IN SUPPORT OF
DEFENDANT FOAMEX INTERNATIONAL, INC.'S MOTION TO
EXCEED PAGE LIMITS FOR THE FILING OF A MOTION TO DISMISS

Defendant Foamex International, Inc. ("Foamex") has filed a motion herewith requesting an order allowing it to exceed the twenty (20) page limit for memoranda and the five (5) page limit for appendices and/or exhibits in connection with the filing of a motion to dismiss pursuant to Fed.R.Civ.P. 12(B)(6). Foamex respectfully requests that it be allowed to file a memorandum of law in support of a motion to dismiss of up to forty (40) pages in length. This defendant also requests that it be allowed to file appendices and/or exhibits up to ten (10) pages. Foamex asserts that there is good cause for the granting of this motion.

Foamex and/or General Foam Corporation ("General Foam") are presently named in four lawsuits now pending before the Court.[1] A single memorandum of law will be filed covering all four cases. Accordingly, the actual number of pages filed, on a per case basis, will be considerably less than that allowed pursuant to Amended General Order 2002-01. Further, the proposed motion to dismiss deals with significant legal issues which are of great importance to Foamex and General Foam.

For these reasons, Foamex respectfully requests that this Court allow it to file a memorandum of law in support of a motion to dismiss not to exceed forty (40) pages and appendices and/or exhibits not to exceed ten (10) pages.

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[1] *Guindon, et al v. American Foam Corporation, et al; Tammy Passa, et al v. Jeffrey Derderian, et al; Linda Roderiques, et al v. American Foam Corporation, et al; and Charles Sweet, et al v. American Foam Corporation.*

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